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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/646,751   | 08/25/2003  | Kenji Kofuji         | 1609-0126P                | 1289             |
| 2292   | 7590        | 08/26/2004           | EXAMINER                  |                  |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | LUM VANNUCCI, LEE SIN YEE |                  |
|  |             |                      | ART UNIT                  | PAPER NUMBER     |
|  |             |                      | 3611                      |                  |

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/646,751             | KOFUJI ET AL.       |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Lee Lum                | 3611                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-5 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. The disclosure is objected to because the following elements lack antecedent basis:

- in Claim 1, line 3 –right-and-left direction,  
line 6 - bottom end, the other end,  
line 11 – vertical direction,  
line 13 – upper end,
- in Claim 2, line 2 - upper ends  
line 7 – top,  
line 8 - upper ends
- in Claim 3, line 2 – same appearance,
- in Claim 4, line 3 –right-and-left direction,  
line 6 - bottom end, the other end,  
line 11 – vertical direction,  
line 12 – bottom end,  
line 13 – upper end,
- in Claim 5, line 3 –right-and-left direction,  
line 6 - bottom end, the other end,  
line 11 – the other end.

Art Unit: 3611

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al 6488300 in view of Nohr 6036211.**

Ito discloses a front suspension for a front wheel of a vehicle comprising

Front fork 5,

Pair of support arms 8 rotatably connected to the bottom end of each tine of the fork, Bottom bridge 4 connecting the tines at about the middle of the tines,

Cushion arm 12 rotatably connected to the bottom bridge, and movable in a vertical direction,

Pair of push rods/links 14, each bottom end rotatably connected to the middle of the support arm, and upper end of the push rod rotatably connected to the cushion arm,

Pair of cushion units, including elements 10, each connected to upper portion of the fork, and to the cushion arm, and,

Springs/dampers 10 in each cushion unit.

The reference does not disclose a single spring/damper in each cushion unit, while Nohr shows this configuration with a (covered) single spring/damper 25 in each cushion unit including adjacent unidentified elements in fig 4. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Nohr, to provide specific damping characteristics for the particular application by modifying the amount of damping for each cushion unit. It is very well-known to vary damping characteristics for particular applications/vehicles by varying the amount and type of damping elements.

Re Claim 4, neither reference discloses a main spring in one cushion unit, and a spring/damper plus an auxiliary spring in the other. However, It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this variation for specific damping characteristics for a particular application/vehicle.

3. **Claim 2** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the front suspension as described above, also comprising an upper bracket including projections near a pair of holes for the insertion of cushion units.

4. The prior art made of record, and not relied upon, is considered pertinent to the disclosure: Iwai et al 6357775, 6155370, Pickering 6164675, Woodside 5899478, Ijams et al 5431426, Brewer 5855388.

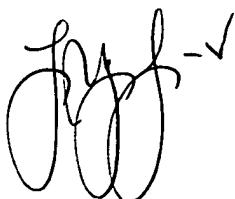
5. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 703 305-0232, M-F, 9-6. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 703 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.



LESLEY D. MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Ms. Lee S. Lum  
Examiner  
8/18/04

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